

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

**BRIAN SWIENCINSKI,
SCOTT BREIMEISTER,
CHRISTOPHER INCE, and
RONNIE MCADA,**

Defendants.

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Criminal No. 18-CR-368

UNITED STATES’ RESPONSE TO DEFENDANTS’ “SUPPLEMENTAL BRIEF”

On June 14, 2023, nearly three weeks following the Court’s most recent hearing, and without seeking leave of court, defendants filed a “supplemental brief” to their prior filings related to a series of motions. (ECF No. 509 (the “Supplement”)). The Supplement re-hashes factual and legal arguments that have been set forth on a number of occasions over the past six months. As is evidenced by the record citations included in the Supplement, each of the factual arguments has been the subject of not only briefing but also prior hearings before this Court. Similarly, no fewer than seven prior defense filings cite to the primary cases discussed in the Supplement (*Fulmer*, *Swenson*, *Bundy*, and *Chapman*). In addition, defendants failed to follow the Court’s Procedures and Practices, which requires the parties to seek leave of court prior to the filing of any sur-reply, which the Court notes are “rarely considered.” *See* Court Procedures and Practices, Rule B(5)(f).

There are no new facts or law warranting supplemental briefing, and, indeed, defendants point to none. If the Court is inclined, however, to allow defendants’ duplicative and procedurally improper briefing, the government requests leave to file a brief response thereto.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was electronically filed via CM/ECF on June 20, 2023.

/s/ Daniel J. Griffin

Daniel J. Griffin

Assistant Chief